involves changing property lien priorities in cases of bankruptcy and relat foreclosures, to allow the use of property assets to compensate the state i costs of environmental remedial actions, if needed. Under this special prcr sion, the use of assets can take precedence over other claims such as those creditors.

Such laws have two major potentially protective effects on ground wat* The first is direct benefits realized through required removal or stabilizati< of contamination sources before the property is transferred. The second p tential benefit is the incentives placed on owner/operators, lenders, ai investors to minimize future liabilities and losses associated with potent: remedial actions, property devaluation, or difficulty in attracting buyei lenders, investors, or insurers at a later time.

The states of Connecticut and Massachusetts have recently implement* special lien provisions to allow the state to claim assets in bankruptcy cas for remedial action, if needed.

New Jersey's Environmental Cleanup Responsibility Act (ECRA) E plained to the public and industry as being a law analogous to home buy protection programs, ECRA requires a state declaration that there has foe« no discharge of hazardous substances or wastes on a property owned I certain industries or that any discharge has or will be cleaned up in acco dance with Department of Environmental Protection (DEP) procedure State certification must come before the sale of industrial establishments < the closure of businesses that involve the use or disposal of toxic or hazardoi materials.

The initial step of the ECRA process involves a letter of nonapplicabili^ or an initial notice and Site Evaluations Submission (SES), which must I accomplished no later than 30 days following public release of the deeisic to close operations or execute an agreement of sale or option to purchase The SES is essentially an environmental evaluation of the facility. It ii eludes such items as a scaled site map identifying all areas where hazardoi substances or wastes are located, a detailed sampling plan, and a decontan ination plan if the facility is closing. The sampling plan requires detaile soil, ground water, and surf ace water monitoring.

The second stage of the ECRA process involves site inspection by agents c the DEP to verify that the information submitted in the SES is complete an correct. If property being reviewed requires cleanup, the DEP review; evaluates, and approves a cleanup plan, and a decontamination plan if tl: facility is closing. Following approval of the company cleanup plan an receipt of the appropriate financial assurances, the DEP authorizes sal< transfer, or closure of the industrial establishment.

The Environmental Cleanup Responsibility Act is a fairly new law, ha> ing become effective on December 31,1983. In its first year and a half, o ve